

INTERNET
FORM NLRB-501
(2-09)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case
07-CA-107660Date Filed
6-19-2013

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Errol Service		b. Tel. No. 313-571-4141
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 10400 Gratiot Avenue Detroit, MI 48218	e. Employer Representative	g. e-Mail
		h. Number of workers employed More than 10
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (11) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) During a lawful strike on May 10, 2013, the above-named Employer, which owns and operates a McDonald's at the above-referenced address, made numerous threats to strikers in violation of the Act.		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Michigan Worker's Organizing Committee		
4a. Address (Street and number, city, state, and ZIP code) 269 Walker Street, Suite 843 Detroit, MI 48207		4b. Tel. No.
		4c. Cell No.
		4d. Fax No.
		4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) None		

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By 
(Signature of representative or person making charge)

David R. Radtke, Attorney

(Print/Type name and title or office, if any)

Tel. No. 248-354-9650

Office, if any, Cell No.

Fax No. 248-354-9656

e-Mail
dradtke@michworklaw.com

Address 400 Galleria Offcentre, Suite 117, Southfield, MI 48034

6/18/2013

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



United States Government
National Labor Relations Board
Region 7
477 Michigan Ave.
Rm. 300
Detroit, MI 48226-2543

Agency Website: www.nlr.gov
Telephone: (313)226-3200
Fax: (313)226-2090

June 21, 2013

Errol Service
10400 Gratiot Avenue
Detroit, MI 48218

Re: Errol Service
Case 07-CA-107660

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner Stephanie J. Smith whose telephone number is (313)226-3336. If this Board agent is not available, you may contact Supervisory Examiner Patricia L. Zane whose telephone number is (313)226-3235.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your

position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.

Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Terry Morgan". The signature is written in a cursive style with a large, sweeping initial "T" and "M".

Terry Morgan
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Stephanie J. Smith **QUESTIONNAIRE ON COMMERCE INFORMATION**

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Errol Service

CASE NUMBER

07-CA-107660

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS** (Products handled or manufactured, or nature of services performed).**7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues** from all sales or performance of services (Check the largest amount)☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ERROL SERVICE

Charged Party

and

**MICHIGAN WORKERS ORGANIZING
COMMITTEE**

Charging Party

Case 07-CA-107660

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 21, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Errol Service
10400 Gratiot Avenue
Detroit, MI 48218

June 21, 2013

Date

Carol A. Koper, Designated Agent of
NLRB

Name

Carol A Koper

Signature



United States Government
National Labor Relations Board
Region 7
477 Michigan Ave.
Rm. 300
Detroit, MI 48226-2543

Agency Website: www.nlr.gov
Telephone: (313)226-3200
Fax: (313)226-2090

June 21, 2013

Michigan Workers Organizing Committee
269 Walker Street, Suite 843
Detroit, MI 48207

Re: Errol Service
Case 07-CA-107660

Dear Sir or Madam:

The charge that you filed in this case on June 19, 2013 has been docketed as case number 07-CA-107660. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Examiner Stephanie J. Smith whose telephone number is (313)226-3336. If the Board agent is not available, you may contact Supervisory Examiner Patricia L. Zane whose telephone number is (313)226-3235.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed

paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Terry Morgan". The signature is fluid and cursive, with the first name "Terry" and last name "Morgan" clearly distinguishable.

Terry Morgan
Regional Director

cc: David R. Radtke, Esq.
McKnight, McClow, Canzano,
Smith & Radtke, P.C.
400 Galleria Officentre, Ste. 117
Southfield, MI 48034-2161

McKNIGHT, McCLOW, CANZANO, SMITH & RADTKE, P.C.

Attorneys at Law
400 GALLERIA OFFICENTRE - SUITE 117
SOUTHFIELD, MI 48034-8460

TELEPHONE (248) 354-9650
FAX (248) 354-9656

SAMUEL C. MCKNIGHT
JOHN R. CANZANO
LISA M. SMITH
DAVID R. RADTKE
DARCIE R. BRAULT
PATRICK J. RORAI

ELLEN F. MOSS 1956-2011

OF COUNSEL

JUDITH A. SALE
ROGER J. McCLOW

June 18, 2013

By Fax 313-226-2090

Terry A. Morgan, Regional Director
National Labor Relations Board, Region 7
477 Michigan Avenue, Room 300
Detroit, MI 48226-2569

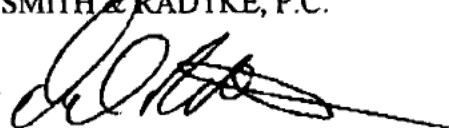
Re: Errol Service

Dear Regional Director Morgan:

Enclosed please find an unfair labor practice charge against the above Employer.

Very truly yours,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.



David R. Radtke

DRR (b) (5), (D)
Enclosure



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7
477 MICHIGAN AVE
RM 300
DETROIT, MI 48226-2543

Agency Website: www.nlrb.gov
Telephone: (313)226-3200
Fax: (313)226-2090

July 5, 2013

Errol Service
10400 Gratiot Avenue
Detroit, MI 48218

Re: Errol Service
Case 07-CA-107660

Dear Sir or Madam:

I am writing this letter to advise you that it is now necessary for me to take evidence from you regarding the allegations raised in the investigation of the above-captioned matter. As explained below, I am requesting to take affidavits on or before July 19, 2013, with regard to certain allegations in this case.

Allegations: The allegations for which I am seeking your evidence are as follows: During a lawful strike on May 10, 2013, Errol Service, which owns and operates a McDonald's at 10400 Gratiot Avenue, Detroit, Michigan, made numerous threats to strikers in violation of the Act.

Board Affidavits: I am requesting to take affidavits from your store managers, supervisors and any other individuals you believe have information relevant to the investigation of the above-captioned matter. If you do not allow the Board agent to take sworn affidavits from representatives who may have relevant information, the Agency will consider that to constitute less than complete cooperation in the investigation of the charge.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you are requested to present your evidence in this matter by July 19, 2013. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to www.nlrb.gov, select **File Case Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by that time or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (313)226-3336, or e-mail, stephanie.smith@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

Stephanie J. Smith
Field Examiner

MEMORANDUM

TO: File


DATE: July 11, 2013

RE: Errol Service
Case 07-CA-107660

FROM: Field Examiner STEPHANIE J. SMITH

CONVERSATION WITH (b) (6), (b) (7)(C)

(b) (5), (b) (6), (b) (7)(C)



From: [Patrick Rorai](#)
To: [Smith, Stephanie J.](#)
Subject: Re: Errol Service
Date: Friday, July 19, 2013 10:03:43 AM

Yes

Sent from my iPhone

On Jul 19, 2013, at 9:29 AM, "Smith, Stephanie J." <Stephanie.Smith@nlrb.gov> wrote:

Does your client understand that if the case is not withdrawn, then it will most likely be dismissed by the Regional Director for lack of cooperation?

-Stephanie

From: Patrick Rorai [<mailto:PRorai@MichWorkLaw.com>]
Sent: Friday, July 19, 2013 9:28 AM
To: Smith, Stephanie J.
Subject: Re: Errol Service

Stephanie,

It doesn't look like we'll be able to produce witnesses today in the above case. I have not been authorized by my client to request a withdrawal. I understand the time limitations on this case.

Patrick Rorai

Sent from my iPhone

On Jul 18, 2013, at 12:15 PM, "Smith, Stephanie J." <Stephanie.Smith@nlrb.gov> wrote:

Patrick,

I received word from the attorney in Errol that the correct legal name of the company is ECS Partnership d/b/a McDonalds. All future letters issuing from this office will reflect the correct legal name.

-Stephanie

From: Patrick Rorai [<mailto:PRorai@MichWorkLaw.com>]
Sent: Wednesday, July 17, 2013 9:41 AM
To: Smith, Stephanie J.
Subject: RE: Errol Service

OK, I will contact you before 7/19 either with a witness or a request for withdrawal. Thanks

From: Smith, Stephanie J. [<mailto:Stephanie.Smith@nlrb.gov>]
Sent: Wednesday, July 17, 2013 9:13 AM
To: Patrick Rorai
Subject: Errol Service

RE: Errol Service
Case 07-CA-107660

Mr. Rorai,

I still have not heard from you regarding the scheduling of affidavits in support of the above mentioned charge. If you wish to pursue the charge, you will need to present witnesses in support of your charge by Friday, July 19. If you fail to present witnesses by Friday, I will recommend that this case be dismissed for lack of cooperation. Please contact me with any questions.

-Stephanie
313.226.3336

McKNIGHT, McCLOW, CANZANO, SMITH & RADTKE, P.C.

Attorneys at Law

400 GALLERIA OFFICENTRE • SUITE 117

SOUTHFIELD, MI 48034-8460

TELEPHONE (248) 354-9650

FAX (248) 354-9656

SAMUEL C. McKNIGHT
JOHN R. CANZANO
LISA M. SMITH
DAVID R. RADTKE
DARCIE R. BRAULT
PATRICK J. RORAI

ELLEN F. MOSS 1956-2011

OF COUNSEL

JUDITH A. SALE
ROGER J. McCLOW

July 25, 2013

By Fax 313-226-2090

Stephanie Smith

National Labor Relations Board, Region 7

477 Michigan Avenue, Room 300

Detroit, MI 48226-2569

Re: Errol Service
Case No. 07-CA-107660

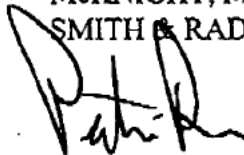
Dear Ms. Smith:

On behalf of the Charging Party, I withdraw the above-referenced charge.

If you have any further questions, please feel free to give me a call.

Very truly yours,

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.



Patrick J. Rorai

PJR/kap

(b) (6), (b) (7)(C)

Withdrawal Approved

Regional Director, Region 7

Date

Case Name: Errol Service
Case No. 07-CA-107660
Agent: Field Examiner STEPHANIE J. SMITH

CASEHANDLING LOG

Date	Person Contacted	Method of Contact	Description of Contact or Activity
6/24/13	Radtke	Telephone	I called Radtke and left a v.m.m. to call me.
6/27/13	Patrick Rorai	Telephone	Patrick Rorai called me. He will take over for Radtke. There were seven charges filed with this office so there is a lot going on. He will call me back with affidavit date and times. Pat called back saying July 3 @1 p.m.
7/3	Rorai	In-Person	(b) (5), (b) (6), (b) (7)(C)
7/8	Rorai	E-mail	I emailed Rorai asking to schedule affidavits.
7/9	Rorai	Telephone	I called Rorai and left a v.m.m. asking about affidavits.
7/10	Rorai	Telephone	I called Rorai asking for affidavits. I spoke to Radtke. He said that Rorai is out of the office. He said that Rorai is planning to come to the NLRB tomorrow and will have people ready for affidavit testimony. I told Radtke that Rorai needs to make an appointment.
7/11/13	(b) (6), (b) (7)(C)	Telephone	(b) (6), (b) (7)(C) called me. See file note.
7/11	Rorai	In-person	Rorai saw me in the hall at the office. He said that he is here for another charge. He said that (b) (5)
7/15/13	Rorai	Telephone	I called Rorai. I told him that (b) (5) I told him that the case was filed on June 19, (b) (6), (b) (7)(C)

			<p>(b) (6), (b) (7)(C)</p> <p>I said that Friday, July 19 is the deadline for presenting evidence (b) (5)</p> <p>He said okay.</p> <p>(b) (5), (b) (6), (b) (7)(C)</p>
7/15/13	(b) (5), (b) (6), (b) (7)(C)	Telephone	<p>I told (b) (5), (b) (6), (b) (7)(C)</p>
7/19	Stephen Sferra	Telephone	<p>Stephen called me. (b) (6), (b) (7)(C)</p>



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 7
477 MICHIGAN AVE
RM 300
DETROIT, MI 48226-2543

Agency Website: www.nlrb.gov
Telephone: (313) 226-3200
Fax: (313) 226-2090

July 25, 2013

Stephen J. Sferra, Esq.
Littler Mendelson, P.C.
1100 Superior Ave E., Floor 20
Cleveland, OH 44114-2518

Re: ECS Partnership d/b/a McDonald's
Case 07-CA-107660

Dear Mr. Sferra:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Terry Morgan
Regional Director

SS/mlmi

cc: David R. Radtke, Esq.
McKnight, McClow, Canzano, Smith
& Radtke, P.C.
400 Galleria Officentre, Ste 117
Southfield, MI 48034-2161

Michigan Workers Organizing Committee
269 Walker Street Suite 843
Detroit, MI 48207

ECS Partnership d/b/a McDonald's
10400 Gratiot Avenue
Detroit, MI 48218